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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,473	12/12/2003	Munehika Okita	117489	8817
25944	7590	11/17/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LABBEES, EDNY	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,473	<b>Applicant(s)</b> OKITA ET AL.	
	<b>Examiner</b> Edny Labbees	<b>Art Unit</b> 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McQuade et al. (US 6,362,734).

Regarding Claim 1, McQuade discloses *Method And Apparatus For Monitoring Seat Belt Use Of Rear Seat Passengers* that has the following claimed limitations:

Claimed detector is met by seat belt status sensors (12 & 40); claimed use indicator and non use indicator is met by the seat belt status sensors (12) that may be buckle sensors that generate signals indicating whether the seat belt is buckled or unbuckled (See Col. 2 Ins 66-67 and Col. 3 In 1).

Regarding Claim 2, claimed use indicator and non-use indicator formed by a single indicator device formed by a single indicator device is met by the visual display (50) comprising of separate symbols (52) to indicate whether the seatbelts are fastened or unfastened (See Col. 6 Ins 33-40).

Regarding Claim 4, claimed plurality of detectors, use indicators and non-use indicators are provided for each plurality of seats in the vehicle is met by plurality of seat

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belt status sensors (12), plurality of symbols (52) on display (50) that indicator which seat is belt is fastened or unfastened (see Col. 6 lns 33-44).

Regarding Claim 5, claimed detector dependent on whether the tongue plate is engaged with a buckle position is met by the buckle sensors (12) detecting whether the seat belt latch plate (unlabeled) is fully inserted into the buckle (unlabeled) (see Col. 3 lns 1-5).

Regarding Claim 7, the claim is rejected and interpreted as claim 1 stated above.

Regarding Claim 8, the claim is rejected and interpreted as claim 1 and 2 stated above.

Regarding Claim 10, the claim is rejected and interpreted as claim 4 stated above.

Regarding Claim 11, the claim is rejected and interpreted as claim 5 stated above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 6, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuade et al. (US 6,362,734) in view of Slaughter et al. (US 6,215,395).

Regarding Claim 3, McQuade discloses a system where the indication relates to at least one of a display color and a display state, but does not specifically relate to display brightness. However Slaughter discloses *Apparatus And Method For Verifying Seatbelt Use In A Motor* that teaches a dimming control (134) to vary the intensity of the indicators. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Slaughter into the system of McQuade so that the user can adjust the intensity of the indicators for daytime and nighttime travel.

Regarding Claim 6, McQuade does not specifically disclose the use and non-use indicator using LED technology. However Slaughter teaches a system where the indicators (106x) use LED technology (see Col. 3 Ins 43-47). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Slaughter into the system of Lary because of the advantages of LED technology, such as low power consumption, long life and low heat production.

Regarding Claim 9, the claim is rejected and interpreted as claim 3 stated above.

Regarding Claim 12, the claim is rejected and interpreted as claim 6 stated above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lary, *Seatbelt Usage Indicator*, (US 6,215,395)

Mutter et al. *Seat Belt Usage Indicating System*, (US 5,483,221)

Quantz, *Method And Apparatus For Detecting The Utilization...*(US 3,874,474)

Conigliaro et al. *Seat Belt Indicator System*, (US 4,849,733)

Lee, *SeatBelt Signal Light*, (US 6,774,781)

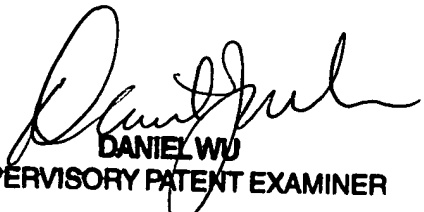
Conway, *SeatBelt Status Alerting Unit* (US 6,002,325)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edny Labbees  
11/07/2005

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER

11/14/05